

ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street-5th Floor  
P.O. Box 45029  
Newark, New Jersey 07101

By: Sharon Hussong Moscato  
Deputy Attorney General  
(973) 648-7093

**FILED**

FEBRUARY 21, 2006

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION )  
OR REVOCATION OF THE LICENSE OF )  
NELLIE L. MITCHELL, M.D. )  
LICENSE NO. 25MA01377900 )  
TO PRACTICE MEDICINE AND SURGERY )  
IN THE STATE OF NEW JERSEY )

Administrative Action

CONSENT ORDER CONTINUING  
LICENSE SUSPENSION

THIS MATTER was opened to the New Jersey State Board of Medical Examiners (hereinafter "Board") upon receipt of Respondent Nellie L. Mitchell, M.D. ("Respondent")'s application for reinstatement of her license to practice medicine and surgery in the State of New Jersey ("New Jersey license") on or about May 30, 2005.

Respondent, appearing pro se, testified before the Preliminary Evaluation Committee of the Board on September 21, 2005 regarding her application for reinstatement of her New Jersey license, which expired on June 30, 1993 and was therefore suspended pursuant to N.J.S.A. 45:1-7.1, the inactive status of her license to practice

**CERTIFIED TRUE COPY**

medicine and surgery in the State of New York ("New York license"), and her overall practice of medicine.

Respondent, who testified that she graduated from medical school in 1950, permitted her New Jersey license to lapse on June 30, 1993 because she was neither living nor working in the State of New Jersey at that time. In 1993, she entered into a temporary surrender of her New York license because of a drug problem, namely her self-prescribing and ingesting of Fastin to combat daytime sleepiness. In 2004, Respondent was evaluated at a sleep disorder clinic and diagnosed with sleep apnea, which Respondent presently treats with Provigil and a C-PAP. On or about April 15, 2005, Respondent entered into a Consent Order with the State of New York ("New York Consent Order") that rendered her New York license inactive, namely by precluding Respondent from seeing patients and prescribing medications in the State of New York.

On or about May 30, 2005, Respondent applied for reinstatement of her suspended New Jersey license. Respondent testified that if her New Jersey license was reinstated, she would not return to private practice; rather, she would engage in locum tenens work at children's facilities. Respondent further testified that she is willing to submit to a neuropsychiatric examination and a competency (skills) evaluation.

The Board finds that Respondent, having not practiced medicine and surgery in the State of New Jersey since 1993, and having

failed to renew her New Jersey license since June 30, 1993, causing such license to be suspended by operation of statute, and having executed the New York Consent Order that precludes Respondent from seeing patients and prescribing medications in the State of New York, shall undergo evaluation by the Upstate New York Clinical Competency Center at Albany Medical College before the Board will consider further Respondent's application for reinstatement of her New Jersey license.

Respondent, being desirous of resolving the above-captioned matter at this time without further formal proceedings, and the Board, finding the within Consent Order adequately protective of the public health, safety and welfare, and for good cause having been shown:

IT IS on this 9<sup>th</sup> day of February, 2006:

ORDERED AND AGREED:

1. Respondent, Nellie L. Mitchell, M.D., shall remain suspended from the practice of medicine and surgery in the State of New Jersey until Respondent completes any and all evaluative and corrective measures as directed by the Board, including but not limited to completion of the following evaluations by the Upstate New York Clinical Competency Center at Albany Medical College:

- a. neuropsychiatric evaluation; and
- b. competency (skills) evaluation.

2. Respondent shall, at her own expense and within the next six (6) months following entry of the within Consent Order, undergo the aforementioned evaluations by the Upstate New York Clinical Competency Center at Albany Medical College. Said evaluations shall be approved in advance by the Board.

3. Respondent shall authorize the Upstate New York Clinical Competency Center at Albany Medical College to forward to the Board's Director of Medical Education a copy of both evaluation reports ("reports") within fifteen (15) days thereof.

4. Respondent shall comply with any and all remedial and treatment recommendations outlined in the reports and agrees that said reports may become public in the event of Respondent's non-compliance with the treatment recommendations outlined therein.

5. Respondent shall provide the Board with proof that she completed no fewer than fifty (50) continuing medical education credits for each year out of practice in New Jersey. At least fifty (50) credits shall have been obtained in the year preceding Respondent's application to resume practice.

6. Upon Respondent's satisfaction of the conditions enumerated in paragraphs 1-5 above, the Board shall contemplate Respondent's application for reinstatement of her New Jersey license. The Board shall appropriately weigh the outcome of the aforementioned evaluations by the Upstate New York Clinical

Competency Center at Albany Medical College into its decision as to whether to reinstate Respondent's New Jersey license.

7. If Respondent's New Jersey license is subsequently reinstated, the Board may, in its discretion, limit Respondent's practice of medicine and surgery in the State of New Jersey as follows:

- a. Respondent's practice may be limited to institutional settings where Respondent is subject to oversight; and
- b. Respondent may be prohibited from prescribing controlled dangerous substances.

NEW JERSEY STATE BOARD OF MEDICAL  
EXAMINERS

By: Sindy Paul, MD, MPH  
Sindy Paul, M.D., M.P.H.  
President

I have read and understood the  
within Consent Order, agree to  
be bound by its contents, and  
consent as to form and entry.

Nellie L. Mitchell, M.D.  
Nellie L. Mitchell, M.D.